

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DIJUAN WATKINS,

Plaintiff,

vs.

SHEQUEL J. STANFORD,
SCHNEIDER NATIONAL CARRIERS
And GEICO GENERAL
INSURANCE COMPANY,

Defendants

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: C. A. No.:

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JURY TRIAL DEMANDED

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE:

Pursuant to 28 U.S.C. §§1332, 1441 and 1446, Defendant, Schneider National Carriers, Inc., by and through their counsel of record, Rawle & Henderson LLP, hereby remove this matter to the United States District Court for the District of Delaware, and in support and grounds for removal thereof, respectfully aver as follows:

THE PARTIES

1. Plaintiff commenced a civil action in the Superior Court of Delaware, New Castle County, by filing a Complaint on or about August 24, 2022 for injuries

allegedly sustained in a December 7, 2020 motor vehicle accident. (A true and correct copy of Plaintiff's Complaint is attached hereto and marked as Exhibit "A".)

2. Plaintiff, DiJuan Watkins, is a citizen of Delaware. See Ex. A.

3. Plaintiff named Shaquel J. Stanford and Schneider National Carriers, Inc. and GEICO General Insurance Company who are not citizens of Delaware.

4. At all times material hereto, defendant, Schneider National Carriers, Inc. was and is a Nevada corporation with its principal place of business located in Green Bay, Wisconsin.

5. At all material times, Shaquel J. Stanford is a citizen of the Commonwealth of Virginia.

6. At all material times, Geico General Insurance Company is a corporation/business entity duly formed and existing under the laws of the State of Maryland with a principal place of business located in Chevy Chase, Maryland.

7. Diversity of citizenship within the meaning of 28 U.S.C. §1332, exists between plaintiffs and defendants since:

(a) Plaintiff is a citizen and resident of the State of Delaware; and

(b) Defendants are not citizens of the State of Delaware.

8. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of

this notice, such that defendant is entitled to removal pursuant to 28 U.S.C. §1441, as amended, and 28 U.S.C. §1446.

9. Defendant, Schneider National Carriers, first notice of this lawsuit was receipt of the Summons and Complaint was made upon its registered agent on or about September, 1, 2022. Therefore, this Notice of Removal to Federal Court is timely filed. (See Exhibit B.)

JURISDICTION

1. This Honorable Court his court has original jurisdiction pursuant to 28 U.S.C. §1332 based on diversity of citizenship.

2. This action is subject to removal pursuant to 28 U.S.C. §1441 and 1446(b).

3. By way of factual background, plaintiff, DiJuan Watkins alleges that on December 7, 2020, he was involved in and motor vehicle accident with a tractor trailer owned by Schneider National Carriers and driven by its employee, Shaquel Stanford. (*Ex. A., First Count ¶ 1*)

4. In the Complaint, plaintiff, Dijuan Watkins sustained: “ suffered and will suffer in the future serious bodily injuries, pain and suffering, inconvenience, mental anguish and disability, some or all of which may be permanent in nature.” *See id.* at ¶ 19.

5. Additionally, plaintiff claims to have incurred and in the future medical and othe expenses related to treatment for his injuries, including to past and future economic loss. *See id.* at ¶ 20

6. Plaintiff admnum paragraph seeks punitive damages as well as compensatory and pre judgment interest.

7. In light of the foregoing, Defendant, Schneider National Carriers, Inc. aver based on the damages claimed by the plaintiff in the Complaint that the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interests and costs.

8. Based upon a fair reading of the Complaint, plaintiff can assert a claim in which an amount in excess of the jurisdictional limit of \$75,000, exclusive of interest and costs, may be at stake.

9. This Removal is timely filed within thirty days of receipt of the information indicating the jurisdictional amount may be met pursuant to 28 U.S.C. §1446 (b).

10. Therefore, this matter is removable to the U.S. District Court for the District of Delaware pursuant to 28 U.S.C. §1446(b).

11. Thus, diversity of citizenship within the meaning of 28 U.S.C. §1332, exists between plaintiffs and remaining defendants since:

(a) Plaintiff is a citizen and resident of the State of Delaware; and

(b) Defendants are not citizens of the State of Delaware.

12. Venue is properly laid in this district because the action sought to be removed is pending in its district 28 U.S.C. §1446 (a).

13. Written notice of this Notice of Removal is being given to Plaintiff's counsel as required by law.

14. Based upon information and belief, service has not been effectuated upon, defendant Geico General Insurance Company.

15. The undersigned represents Defendant, Shaquel Stanford who has not been served, but consents to the Removal.

16. Pursuant to 28 U.S.C. §1146(d), a copy of this Notice of Removal is being filed with the Clerk of the Court of the Superior Court of Delaware, New Castle County.

17. In light of the foregoing, this matter should be properly removed from the Superior Court of Delaware, New Castle County and be heard before this Honorable Court.

WHEREFORE, defendant, Schneider National Carriers, Inc. pray that the above-captioned action now pending in the Superior Court Delaware, New Castle

County, be removed to this Honorable Court.

RAWLE & HENDERSON LLP



By: _____

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Date: September 15, 2022

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Notice of Removal was filed electronically with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case, and also by first class U.S. Mail:

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By: _____
Delia A. Clark, Esquire

Dated: September 15, 2022